

**REMARKS:**

In the outstanding Office Action claims 1-33 were rejected. No new matter has been added. Thus, claims 1-33 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. § 112 ¶1:**

Claims 13 and 26 were being rejected under 35 U.S.C. § 112 ¶1.

Claims 13 and 26 are directed to an aspect of the present invention where a telephone communication with a first party is interrupted to receive urgent facsimile data from a second party. That is, the interrupted communication of the first party is a telephone communication.

Proper support for claims 13 and 26 can be found at least at paragraphs 20, 26, 30 and 46.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102(b):**

Claims 1, 14 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 05-292291 (Fujino), and claims 1-12, 14-25 and 27-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 06-209410 (Watabe).

Fujino interrupts or releases a call under communication when comparison of degree of urgency of the call being communicated is lower than a degree of urgency of a newly transmitted data. Fujino compares bits within the user information being transmitted with degree of urgency set a present when communicating to determine urgency of an incoming call (see, Abstract).

Watabe is directed to a fax interrupt device that interrupts a connection of an equipment that is communicating with another equipment. In Watabe, a swap device is provided with two sets of terminals of a first in-and-out and a second close terminal such that the first in-and-out terminal is used for arrival of data to the equipment and the second close terminal is used for interruption of a call from a third party (see, paragraph 4 and 5). For example, when terminal equipment R is busy, an exchange connects an incoming call to an input terminal equipment X (see, Abstract and paragraphs 15-17).

In contrast, independent claims 1 and 14 recite that the method and apparatus for urgently receiving facsimile data determines whether a second party "previously determined to be capable of urgently receiving the data" is demanding an urgent transmission of data and

interrupts communication with the first party “upon determining that the urgent transmission of data is required from the second party during communication with the first party”.

Fujino and Watabe do not teach or suggest determining whether a second party “previously determined to be capable of urgently receiving the data” is demanding an urgent transmission of data and interrupting communication with the first party “upon determining that the urgent transmission of data is required from the second party during communication with the first party”

It is submitted that the independent claims 1 and 14 are patentable over Fujino and Watabe.

For at least the above-mentioned reasons, claims depending from independent claims 1, 14, 31 and 32 are patentably distinguishable over Fujino and Watabe. The dependent claims are also independently patentable. For example, as recited in claim 5, “determining whether the user requires update of at least one urgent phone number and the urgent receipt enable condition” and “updating at least one among a previous urgent phone number and a previous urgent receipt enable condition ...and re-determining whether an urgent transmission of data is demanded by the second party during communication with the first party”. Neither Fujino nor Watabe teach or suggest, “updating at least one among a previous urgent phone number and a previous urgent receipt enable condition ...and re-determining whether an urgent transmission of data is demanded by the second party during communication with the first party”, as recited in dependent claim 5.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 13 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Watabe.

For at least the above-mentioned reasons, dependent claims 13 and 26 depending from claims 1 and 14, respectively, are patentably distinguishable over Watabe.

Further, claims 13 and 26 recite, “communication with the first party is a telephone call” is interrupted when it is determined that “the urgent transmission of data is required from the second party during communication with the first party” (independent claims 1 and 14).

Watabe does not teach or suggest that a “communication with the first party [that is] a telephone call” is interrupted when an urgent transmission of data is required from a previously

determined source.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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